

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)**

Plaintiffs,

v.

**R & W CLARK CONSTRUCTION, INC., and)
RICHARD W. CLARK, doing business as R &)
W Clark Construction, Inc.,)**

Defendants.

Case No. 12 C 2703

Honorable Robert W. Gettleman

AGREED JUDGMENT ORDER

This matter coming to be heard on the motion of plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds") agreed entry of a judgment.

IT IS HEREBY ORDERED:

1. That the Clerk of the Court shall enter judgment in the amount of \$186,352.70 against the defendants, R & W Clark Construction, Inc., and Richard W. Clark, and on behalf of the Laborers' Pension and Welfare Funds. The total judgment amount of \$186,352.70 consisting of the following:

For the audit period covering June 1, 2010 through July 31, 2012

Principal Contributions and Union Dues	\$108,461.20
Liquidated damages.	\$21,158.57
Audit costs	\$1,297.72
Accumulated penalties.	\$907.20
Interest	\$16,510.11

For the unaudited period covering August 1, 2012 through November 2012,

which may in the future be subject to an audit review by the Funds' at their discretion

Principal Contributions and Union Dues.	\$24,316.43
Liquidated damages.	\$4,723.36
Interest.	\$1,658.61
Attorneys' fees.	\$6,899.50
Costs.	\$420.00

2. Execution of judgment is stayed pending compliance with the terms of an installment note. Should defendant fail to make a payment or payments consistent with the installment note, paragraphs 1-6, or fail to pay current contributions as described by the installment notes paragraphs 10, plaintiffs may execute on the outstanding portion of the judgment as described in paragraph one, above, without further order of court.

3. The defendant is directed to comply with their obligations to the plaintiffs under ERISA, and under the applicable collective bargaining agreement and Trust Agreements. Obligations include filing monthly reports accurately reflecting the work performed within the jurisdiction of the labor agreement and remitting timely contributions to the plaintiffs' Funds. All current contributions are due the 10th day of the month following the month in which the work is performed. At all material times, the Funds have discretion to credit any payment received from defendants to either the amounts owed as described in paragraph one or to any future unpaid contribution.

4. Defendant agrees and this Court orders defendant to obtain and maintain a surety bond in the amount required by the Union to guarantee the payment of wages, pension and welfare contributions

as required by Article IX of the collective bargaining agreement. It is further ordered that within 60 days of the date of this judgment order defendant shall provide written proof that it has obtained such a surety bond to plaintiffs' counsel, Sara S. Schumann, Allison, Slutsky & Kennedy, P. C., 230 West Monroe, Suite 2600, Chicago, IL 60606.

5. Should the Funds direct this Company to undergo an audit review for the time period identified from August 1, 2012 through the date of the dismissal of this case, the Funds will be entitled to a separate judgment in another collection case for all unpaid contributions owed as disclosed by that audit report and this litigation will not bar the Funds from collection for the period from August 1, 2012 through the dismissal of this case.

6. This Court retains jurisdiction to enforce the terms of the Installment Note and this Judgment Order.

BY:

On behalf of the Funds

On behalf of R & W Clark Construction, Inc.
and Richard W. Clark

E N T E R E D

DATE: _____

U.S. DISTRICT COURT